

HAMPTON BUDGET COMMITTEE
MINUTES
April 15, 2008

Budget Committee Members Present:

Mary-Louise Woolsey, Chairman
Michael Plouffe, Vice-Chairman
Richard Nichols, Selectman Representative
Victor DeMarco
Maury Friedman
Dick Hansen
Eileen Latimer
Jack Lessard
Michael Pierce
Norman Silberdick
Larry Stuker
Peter Traynor

Excused

Pat Collins

Chairman Woolsey called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was said.

Chairman Woolsey introduced the members of the Committee. She then welcomed Fred Welch, Town Manager; Bill Lally, Chairman of the Board of Selectmen; Rick Griffin, Selectman, and Dick Bateman, Selectman.

Approval of Minutes – March 18, 2008

Moved by Mr. Hansen, seconded by Mr. Lessard, to approve the Minutes of March 18, 2008.

Vote: 9 yes, 0 no, 3 abstentions (DeMarco, Friedman, Traynor). Motion passed.

Chairman Woolsey said the Selectmen had been invited to this meeting in an effort to coordinate a clarification of the collective bargaining process because of events that occurred between submission of money articles related to collective bargaining on January 8th and the vote on March 11th. Chairman Woolsey said Mr. Pierce had contacted her and asked if she would get a legal opinion about when the contracts can be released to the public. She then received a vote from this Committee to go forward and write to the Local Government Center for a clarifying opinion. Chairman Woolsey then read her letter of February 21st sent to the Local Government Center.

Chairman Woolsey said Attorney Kim Hallquist of the LGC did speak to her and said that they had received a number of inquiries related to the collective bargaining issues. On March 10th, Attorney Hallquist called and said that the center was not going to be able to provide an opinion at this point in time prior to the election. Attorney Hallquist then suggested that the Budget Committee and Selectmen get together and write a joint request. Chairman Woolsey then said the Committee would like to submit a joint memo to the LGC. However, she said she was aware that could not be done at the time of this meeting because the Selectmen were planning to meet with Attorney Higgins on this matter on Thursday.

Chairman Woolsey said that the Committee needs clarification going forward and expects collective bargaining agreements will come before them in the future. The Committee will need to be comfortable when such articles are presented that they are in fact valid articles.

Mr. Nichols said that the Selectmen's plan was to address this issue in this Thursday's meeting. He said he would get back to the Committee at the May meeting.

Chairman Woolsey then went over the four major concerns on this topic:

1. Whether Collective Bargaining Agreements are subject to RSA 91 (Right to Know).
2. If CBA's are public documents, when do they become so?
3. What steps need to be taken to make the agreements "legal documents"?
4. Need CBA's have legal status as agreements prior to having the special money articles for union contracts turned over to the Budget Committee for action prior to Public Hearings and posting on the warrant?

Mr. Lally thanked Chairman Woolsey for inviting the Selectmen to this meeting. He said that because of time constraints with Attorney Higgins some items could not be discussed at this meeting. Mr. Lally said he wanted to assure everyone that only Ben Moore was the contact for negotiations of these contracts.

Chairman Woolsey said that she firmly believes that once contracts are signed, they are official contracts and that signed contracts, at whatever date they are signed, are then public information. Chairman Woolsey said it was important to remember that all the Committee can work on is the money and all the public can vote on is the money. She said it is not up to the public or this Committee to use a contract as a weapon to have the

contract articles defeated. It is legitimate to indulge in conversation on the money. The Committee needs to focus on its responsibility. The majority of taxpayers do not need to read every point of every contract. They care about the big picture. The handling of CBA's on both sides has created a problem that needs to be resolved.

Mr. Griffin said he believed the Selectmen would listen to the advice of the attorneys who are reviewing this issue.

Mr. DeMarco asked if the negotiated changes as presented by the attorney were accurate. Mr. Welch replied that they were. Mr. DeMarco said that if existing contracts are available, all that would be necessary would be to add in the attorney's changes.

Chairman Woolsey said the problem is that there are concerns as to the validity of the contracts. Mr. DeMarco asked if the Committee needs to see the contracts signed. Chairman Woolsey said yes and that the Committee needs to be comfortable when money articles are placed before them.

Ms. Latimer said that the Committee is trying to get a start on a year with a lot on the plate. The Committee did not know where the contracts stood when they were discussed. The question is, at what time are they legal? Ms. Latimer said if she is going to vote on something, she needs to know that it legally exists.

Chairman Woolsey asked if the contracts had been signed before the March Town Meeting. Mr. Welch said they had not. He said that what the Board of Selectmen ratified were the tentative agreements on the money items only. They would not be legal documents until they are authorized at the Town Meeting. Contracts are not drafted until after the Town Meeting. The vote of the Town must come first.

Mr. Welch explained that as an agreement is negotiated and reached on each article, it is called a tentative agreement and two negotiators sign. It then goes to the Board of Selectmen and is ratified to prepare a money article which then goes to the Budget Committee to agree to the appropriation. If the Town Meeting then votes to appropriate the funds, that provides the mechanism to sign the contract.

Mr. Pierce said an official unbiased opinion should be sought from the LGC. Mr. Lally said it shouldn't be assumed that there is a labor attorney expert at the LGC.

Mr. Traynor said the Committee should wait until the Selectmen receive a viewpoint from Attorney Higgins as to when a proposed contract can become actual public knowledge. It would then be possible to go to the Attorney General to make sure none of the Boards are liable.

Mr. Lally said there is not going to be a definitive answer. It could be that the Town might have to adopt some kind of policy.

Mr. Silberdick said the question is why did the voters reject the contracts. The issue wasn't whether the contracts were signed. There was misinformation about increases.

Mr. Friedman said he agreed with Mr. DeMarco about going back to existing contracts and comparing the changes.

Mr. Bateman said it is a matter of semantics. However, it is not truly a contract until the voters say it is.

Chairman Woolsey said clarification from Attorney Higgins would be appreciated.

Ms. Latimer said she felt this had been a good work session.

Chairman Woolsey then addressed follow-up items for the Budget Committee to track with the Board of Selectmen in 2008.

- 1) Restructure remaining 3.1 million Police Station construction loan – ASAP

Chairman Woolsey said this is critical and very important at this time. Mr. Welch said they are presently looking at restructuring this loan and the issue is what the rates are going to be.

- 2) Start implementation of GASB 34 – using encumbered \$12,500 from year end 2007

Chairman Woolsey said the Committee had been very concerned that we start getting an entry level into GASB 34. This is critical to future borrowing ability. Mr. Welch said this process has already been started. It is estimated that it will take two years to complete.

- 3) Fire Station(s) construction bonds for 2009 warrant

Chairman Woolsey said everyone should understand how critical these bonds are. There will be a meeting on May 5th where the public can advise why they didn't approve these bonds.

Chairman Woolsey said she would like to make a suggestion that in conjunction with the construction of the uptown fire station, a permanent polling place be established.

- 4) Re-assess solid waste disposal, mandatory recycling, and discontinuance of commercial trash collection

Chairman Woolsey said the committee handling this issue has done a good job. Al Davis of Waste Management spoke to this committee and the Board of Selectmen should hear him speak.

- 5) Normal operating budget expenses to be included in operating budget and encumbrances to be kept to a minimum.
- 6) Privately petitioned social service articles, approved on '08 warrant, to be reinserted under HHS in operating budget

Mr. Friedman discussed his presentation to the Board of Selectmen the previous evening. Mr. Friedman said that the Budget Committee's responsibility is to evaluate proposals in light of alternatives. If alternatives have not been considered, an appropriate action for the Budget Committee is to ask the requestor to evaluate alternatives and come back at a later date. Decisions should be based on a meaningful analysis, not by the calendar.

Mr. Friedman asked the Board of Selectmen to focus on the following two items:

- 1) A meaningful analysis of how to best meet the space needs of the Town. It is a complex undertaking and must consider placement of town functions so as to maximize the potential for interdepartmental cooperation and possible reuse of school buildings in light of the declining K-8 school population.
- 2) The need to analyze the operation of town departments with the potential to improve services and reduce service cost. The nature of the work being done by town employees is changing with the emergence of new technologies, better equipment, greater emphasis on community policing and significantly better fire protection.

New Business

Ms. Latimer said that it would be nice if the School Board and Precinct made an effort to have a representative at the Budget Committee meetings.

Chairman Woolsey said it might be possible to form a sub-committee to take a more in-depth look at the School budget. She asked if anyone had a problem with the formation of a 3-person sub-committee for this purpose.

Moved by Ms. Latimer, seconded by Mr. Plouffe, to appoint a 3-person sub-committee to do the preliminary groundwork prior to the Committee's going over the school budget.

Mr. Nichols said he thought the situation of declining enrollment and increasing budgets should be addressed.

Vote: 12 yes, 0 no. Motion passed unanimously.

Moved by Mr. Lessard, seconded by Mr. Plouffe, to appoint Michael Pierce as head of the committee that will do the preliminary groundwork on the school budget.

Vote: 11 yes, 0 no, 1 abstention (Pierce). Motion passed.

Chairman Woolsey said the next meeting would be held on Tuesday, May 20, 2008, at 7:00 p.m. in the Selectmen's Meeting Room. At that meeting, the Committee will meet with Brian Warburton, Seacoast DRED.

Adjournment

There being no further business to come before the Committee, Mr. Lessard **moved**, seconded by Mr. Nichols, that the meeting be adjourned. The motion passed by unanimous vote.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Joan Rice
Secretary

Mary-Louise Woolsey, Chairman